

1-9-90 Minutes

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:30 p.m., January 9, 1990.

Members present: Mayor G. Michael Shelton; Councilman Larry D. Brookshier; Councilwoman Joanne A. Grahame; Councilman E. Thomas Messier; Vice Mayor John M. Owen, III; Councilman Ronnie C. Rice; and Councilman James A. Vest.

Members absent: None.

Staff present: City Manager Jack A. Gross; City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher.

Mayor Shelton opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Mayor Shelton declared that the minutes of a regular Council meeting held on December 12, 1989, were approved as mailed; and the minutes of an adjourned Council meeting held on December 20, 1989, were approved as corrected.

The City Manager reported that the City has expended approximately \$30,000 from the Snow and Ice Removal line items in the budget due to the inclement weather this winter. Mr. Gross stated that leaves a balance of \$12,246.39 at the present time. The City Manager also reported that the City has on hand approximately 125 - 140 tons of deicing salt.

Councilman Brookshier asked that the Director of Parks and Recreation give Council an update on the Poplar Tree Park.

Mayor Shelton reminded Council of the joint meeting with the Bedford County Board of Supervisors on January 16, 1990, at 7:30 p.m. at the County Court House.

Mayor Shelton extended Council's appreciation to Police Officer Tim Yates and Police Officer Charlie Nelms for their efforts, in performing life saving measures to two individuals, in the course of their duty. Mayor Shelton presented the officers with letters of commendation on behalf of City Council.

Mayor Shelton presented the 1989 Employee of the Year Award to Carolyn Witt, secretary in the Parks and Recreation Department. Mayor Shelton noted that several past Employees of the Year were present at the meeting: Lorenza Coles, Walt Kent; and Lois Hawkins.

Mr. Donald M. Rowe stated that Carriage Hill Retirement Center is ready to expand its facilities and needs the City's services, such as snow removal, road maintenance, refuse collection, water and sewer. Mr. Rowe stated that Carriage Hill of Virginia, Ltd., has filed a petition providing for citizen annexation with the Commission on Local Government in Richmond asking that 22.75 acres, which is the area Carriage Hill intends to develop in the next two or three years, be annexed to the City of Bedford. Mr. Rowe requested that the City provide water and sewer connections to this area for the construction of safety features for elderly care facilities, which should eventually become a part of the City of Bedford.

The City Manager stated that the City Attorney and he received copies of the petition by Carriage Hill late in the day on January 8. He said this document notified the Commission on Local Government, which has jurisdiction in this matter, that Carriage Hill of Virginia, Ltd., a Virginia corporation, has initiated a voluntary

citizens' request for annexation of approximately twenty-three acres in order to become part of the City of Bedford.

The City Manager then provided Council with some background information prepared by the City Attorney, the Commissioner of the Revenue, and himself. Mr. Gross reviewed the following information on the economic impact of the annexation: these estimates are based on the fact that presently the Carriage Hill facility would pay approximately \$10,896 in real estate taxes; \$932 in personal property taxes and \$3,750 in business taxes. Under the planned expansion to the facilities, they would pay an additional \$6,495 in real estate taxes, \$932 in personal property taxes, and \$3,750 in business tax. The total annual tax revenue estimated by the Commissioner of the Revenue amounts to approximately \$26,755.

City Manager Gross stated that the services provided to the community by the existing facility at Carriage Hill serve an important health need in both the City and County. Mr. Gross stated that it is understood that Carriage Hill's need to expand depends on its ability to secure City utility service. Mr. Gross stated that the City cannot capitalize and maintain these services without the necessary tax base to provide the revenues to offset these expenditures. He recommended that Council provide sewer and water hookups to the proposed expansion under the condition, and only under the condition, that Carriage Hill's petition for annexation be supported by the Bedford City Council and that, further, Carriage Hill provide specific guarantees that it will not voluntarily abandon its annexation proceedings.

On motion by Councilwoman Grahame, seconded by Councilman Rice, voted upon and carried unanimously, the following item was added to the agenda: Executive session - pursuant to Section 2.1-344(a)(6 and 7) of the Code of Virginia of 1950, as amended, concerning the citizens' petition annexation application and Carriage Hill, the request for water and sewer services, and for consultation with the City Attorney and the City Manager.

On motion by Councilman Messier, seconded by Councilman Rice, voted upon and carried by the following roll call vote, Council adjourned into executive pursuant to Section 2.1-344(a)(6 and 7) of the Code of Virginia of 1950, as amended, concerning the citizens petition annexation application of Carriage Hill of Virginia, Ltd., and their request for water and sewer services, and consultation with the City Attorney and the City Manager:

Councilman Brookshier	aye
Councilwoman Grahame	aye
Councilman Messier	aye
Vice Mayor Owen	aye
Councilman Rice	aye
Councilman Vest	aye
Mayor Shelton	aye

Council adjourned into executive session at 7:55 p.m. Non-council members attending were: City Manager Gross; City Attorney Berry; and Clerk of the Council Hatcher.

Council reconvened into open session at 8:55 p.m.

The Clerk of Council read aloud the following resolution:

BE IT RESOLVED that the Council of the City of Bedford hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Council.

On motion by Councilman Messier, seconded by Councilman Brookshier, voted upon and carried by the following roll call vote, Council approved the resolution as read:

Councilwoman Grahame	aye
Councilman Messier	aye
Vice Mayor Owen	aye
Councilman Rice	aye
Councilman Vest	aye
Councilman Brookshier	aye
Mayor Shelton	aye

On motion by Councilman Brookshier, seconded by Councilman Messier, voted upon and carried unanimously, the following item was added to the agenda: Consideration of Resolution - Water and Sewer Service as requested by Carriage Hill of Virginia, Ltd.

The Clerk of Council read aloud the following proposed resolution:

RESOLUTION

WHEREAS, Carriage Hill of Virginia, Ltd. ("Carriage Hill") owns and operates a retirement facility on real estate located outside of the City limits of the City which receives water and sewer services from the City; and

WHEREAS, Carriage Hill has made plans to build a new development for additional facilities for elderly residents adjacent to its existing facility on land that adjoins the existing facility and that adjoins the City; and

WHEREAS, Carriage Hill, in view of the fact that the County of Bedford is unable to provide public water and sewer services to its additional facilities, requested the City to allow connection to its public water and sewage systems; and

WHEREAS, due to rapid commercial, industrial and residential growth in the area and the extraordinary number of requests for utility service outside the City limits, the City Council on June 13, 1989, formally adopted a policy of not accepting any further applications outside the City limits for sewer and water services pending an analysis and review of the City's present capacity and of the alternatives available to fund the anticipated growth and new Federal and State mandates; and

WHEREAS, the City officials advised Carriage Hill that its application for sewer and water services for the new development could not be accepted under its policy of June 13, 1989; and

WHEREAS, Carriage Hill subsequently studied the cost of constructing and operating its own water and sewage facilities for the planned development; and

WHEREAS, Carriage Hill has considered the alternative of seeking voluntary annexation of its existing facilities and of the proposed development and has decided that the additional taxes that will have to be paid to the City will be more than offset by the services that will be received from the City, including sewer, water, refuse collection, street lights, road maintenance (including snow removal), recreational services, zoning and traffic control and police protection; and

WHEREAS, Carriage Hill on January 8, 1990, gave formal notice to the City of Bedford and to the County of Bedford of its intent to seek voluntary annexation of its existing facilities and of the additional land upon which the new development is contemplated; and

WHEREAS, Carriage Hill through its representatives has appeared before the City Council on January 9, 1990, and requested the City to approve immediate connection of its new development with the City water and sewer system so that it can take advantage of favorable financial arrangements and can commence construction; and

WHEREAS, the City Council has considered the proposed development plan and the impact upon the City and views the voluntary annexation as feasible for the City and in the best interest of its citizens subject to reasonable and favorable terms and conditions; and

WHEREAS, in view of the request for voluntary annexation and based upon representations by Carriage Hill that favorable financial commitments will be lost without immediate approval of water and sewer connections, the City Council, for this case only, has agreed to approve immediate connection of the new development to the City public water and sewer system, conditioned on appropriate assurances that Carriage Hill will proceed in good faith on its annexation request and will pay appropriate fees and rates to cover the City's capitalization costs if the annexation does not take place and the City does not have the additional tax revenue;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEDFORD;

1. That the City Attorney is directed to file an appropriate responsive pleading with the Commission on Local Government indicating that the proposed annexation on its face appears feasible and in the best interests of the citizens of the City and that the City will accept such voluntary annexation subject to reasonable terms and conditions; and the City Attorney specifically is authorized to associate outside counsel experienced in annexation law.

2. The City grants the request of Carriage Hill for immediate connection of its

proposed development to the City's public water and sewage system conditional on (a) Carriage Hill's giving assurance that it will pursue its annexation request in good faith; (b) all construction prior to annexation must comply with applicable county and state building regulations (c) City connection rates and water and sewer rates shall not apply until annexation, and rates prior to annexation will have a surcharge to offset capitalization and maintenance charges anticipated by the City; (d) construction of the initial phase consisting of a new facility similar to the existing one and of approximately 11,000 square feet must be commenced within six (6) months and must be completed within eighteen (18) months, and any additional phases must be completed within thirty-six (36) months.

3. The City Manager is authorized to execute such documents, approved by the City Attorney, as may be necessary to carry into effect the intent of this resolution.

Councilman Brookshier moved that the resolution be adopted as read. The motion was seconded by Councilman Messier, voted upon and carried by the following roll call vote:

Councilman Messier	aye
Vice Mayor Owen	aye
Councilman Rice	aye
Councilman Vest	aye
Councilman Brookshier	aye
Councilwoman Grahame	aye
Mayor Shelton	aye

The Clerk of Council read aloud the following proposed resolution:

RESOLUTION

WHEREAS, solid waste management issues are becoming environmental, political and financial crises in many of Virginia localities; and

WHEREAS, State and local governments' cooperation is essential in addressing these issues and solving solid waste problems; and

WHEREAS, the Bedford City Council feels members of the General Assembly need to take certain actions in support of this cooperative effort;

NOW, THEREFORE, BE IT RESOLVED that the Bedford City Council does hereby request the General Assembly to take the following actions in the interest of cost-effective and environmentally effective solid waste programs;

(1) To establish standards that prevent or strongly discourage any existing privately owned landfills from importing large quantities of waste (e.g., Despite strong local objections, the Kim-Stan landfill in Alleghany County is being allowed by the State to accept 60 to 75 loads of trash a day from New Jersey, New York and Pennsylvania);

(2) To adopt more reasonable single liner design standards for landfills after 1992, as endorsed by both the Virginia Association of Counties and the Virginia Municipal League, unless local drinking water supplies and ground water conditions require double liners;

(3) To adopt a bottle bill similar to Senate Bill No. 466 (1989) as endorsed by VACO;

(4) To establish a program to promote recycling firms and markets within reach of Virginia localities to accept goods such as paper, glass and plastic for which recycling outlets are often unavailable at present.

BE IT FINALLY RESOLVED that the Bedford City Council hereby instructs its Clerk to send a copy of this resolution to its representatives in the General Assembly seeking their support for the adoption of these measures.

Councilman Messier moved that the resolution be adopted as read. The motion was seconded by Councilwoman Grahame, voted upon and carried unanimously by the following roll call vote:

Vice Mayor Owen	aye
Councilman Rice	aye
Councilman Vest	aye
Councilwoman Brookshier	aye
Councilwoman Grahame	aye
Councilman Messier	aye
Mayor Shelton	aye

Councilman Messier asked that the Mayor instruct the Clerk of Council to send the resolution to: Senator Elliot S. Schewel; Delegate Lacey E. Putney; Clarence W. Farmer, Chairman of the Alleghany County Board of Supervisors; Rob Feild, Staff Attorney of the Virginia Municipal League; and Bedford County.

City Manager Gross stated that the staff has met with jurisdictions represented in the Central Virginia Planning District to discuss a regional cooperative purchasing program. The jurisdictions have expressed interest in jointly preparing bid specifications for equipment and materials and then allowing the other jurisdictions to participate in the bid process. He stated that this should eliminate the duplication of writing bid specifications for similar equipment and materials and allow the jurisdiction to obtain better price quotations based on larger quantities rather than those that could be obtained by separate bids. The staff believes that it would be beneficial to the City to participate in a program of this nature provided that each

bid is evaluated and it is determined by the appropriate department head to be in the best interest of the City.

The Clerk of Council read aloud the following proposed resolution:

RESOLUTION

REGIONAL COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Council of the City of Bedford has been advised that meetings have been held involving repre-sentatives of jurisdictions in the Central Virginia Planning District, to discuss a regional cooperative purchasing program; and

WHEREAS, the Council of the City of Bedford is interested in pursuing the concept of cooperative purchasing;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Bedford hereby authorizes the City Manager to participate in the Cooperative Purchasing Program established by the jurisdictions of the Central Virginia Planning District.

Councilwoman Grahame moved that the resolution be adopted. The motion was seconded by Councilman Rice, voted upon and carried unanimously by the following roll call vote:

Councilman Rice	aye
Councilman Vest	aye
Councilman Brookshier	aye
Councilwoman Grahame	aye
Councilman Messier	aye
Vice Mayor Owen	aye
Mayor Shelton	aye

On motion by Councilman Brookshier, seconded by Councilman Messier, voted upon and carried unanimously, the meeting was adjourned at 9:06 p.m. until January 16, 1990, at 7:30 p.m. at the Bedford County Court House for a joint meeting with the Bedford County Board of Supervisors.